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REMARKS

Applicants respectfully present Claims 1-32 for examination in the RCE filed herewith. Claims 1-3, 11-13 and 19-21 have been amended herein to more clearly define the scope of the presently claimed invention. Applicants respectfully request reconsideration of pending Claims 1-32 and submit that the claims and remarks presented herein overcome the Examiner's rejections in the Final Office Action dated August 22, 2005 in the parent application.

35 U.S.C. §103

Claims 1-32 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 5,760,917 ("Sheridan") in view of U.S. Patent No. 6,611,613 ("Kang"). The Examiner submits that Sheridan discloses all the elements of the independent claims but does not specifically enumerate the use of face recognition technology. The Examiner suggests, however, that Kang discloses face recognition technology and that it would have been obvious to one of ordinary skill in the art at the time of the invention by Applicant to incorporate the use of face recognition technology into the Sheridan image distribution method and system. Applicants respectfully traverse the Examiner's rejection.

Applicants respectfully submit that Sheridan and Kang do not render Claims 1-32 unpatentable. Sheridan describes an image distribution method and system, similar to prior art schemes described in the Background section of the Specification (see e.g., Specification, Pages 1-3). The Examiner implies that Sheridan teaches all elements of the claimed invention, it merely does not specifically enumerate the use of face recognition technology. Applicants strongly disagree. First and foremost, Applicant submits that Sheridan does NOT teach each element of the claimed invention. Specifically with respect to independent Claims 1, 11, 19, 29 and 31, each claim includes the feature of *face identifying information* for at least one face in an image and utilizing this information in a sharing rule to determine who receives an image. Applicants respectfully submit that Sheridan does not teach these elements.

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The Examiner highlighted various sections of Sheridan (Sheridan, Col. 5, lines 19-42, Col. 10, lines 61-67 and Col. 11, lines 1-59) as teaching the element of “applying face identifying information associated with the image to the sharing rule to determine the one or more recipients with which the image should be shared”. Applicants respectfully reiterate that nothing whatsoever in these sections teaches or suggests “face identifying information associated with an image. For example, Col. 5, lines 19-42 of Sheridan read as follows:

“At this point there is nothing further that the user at first terminal 202 need do. Hub station 201 is programmed so as to automatically transmit a message to each third party's electronic address (in this example, the electronic addresses for second and third remote terminals 203 and 204). This message will include an electronic address for the hub station (such as a URL designation for a World Wide Web site on the Internet for hub station 201) by which each third party can connect to hub station 201, a listing of the access rights of the granted access right set which the user has granted to that third party, and the access identification (which again may simply be that third party's e-mail address). Optionally, hub station 201 could include in the message an identification of the user, and/or an identification of the digital image set to which the third party has been granted access. This latter identification could be in the form of a description which the user provided, or could include a low-resolution version (such as one or more thumbnail images) of all or some of the images from the actual digital image set to which the third party has been granted access (although the actual digital image set would not be included, since it would typically be of a higher resolution which would require more time for transmission).”

This section of Sheridan merely discusses the ability for the user to include “an identification of the user and/or an identification of the digital image set...” Applicants respectfully submit that nothing in the section above teaches or suggests the claimed feature of having face identifying information for at least one face in an image. There is no discussion of identifying a face (or anything else) in the images, let alone determining face identifying information for the face. Similarly, the other sections of Sheridan highlighted by the Examiner make no mention of “face identifying information associated with an image”. See e.g., Sheridan, Col. 10, lines 61-67 and Col. 11, lines 1-59:

“The user will be able to attempt to access the digital image set corresponding to film roll 48 as soon as they receive the identification, by using any remote terminal, such as remote terminal 40A to connect to and communicate with hub station 20 by a connection 30. At that time, the user simply enters the identification and over the connection successfully completes a user registration process at hub station 20. The identification will allow the user to inquire of hub system 20 as to the location and status of the digital image set signal corresponding to the identification (and film roll 48). *Hub station 20 decrypts the identification entered by the user, and can search its index for a saved digital image of predetermined characteristics associated with the decrypted*

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identification entered by the user. By "predetermined characteristics" in this case, is referenced any suitable predetermined characteristics determined by the operator of the system. For example, hub station 20 may be set such that any image set signal received will be stored and indexed with its associated identification signal. Alternatively, the "predetermined characteristics" could be set so that only a complete image set is so stored, or incomplete image sets (such as might result from an interruption of a connection between a processor-scanner station 2A to 2N and hub station 20, or from corrupted data) or digital image sets in a format not accepted by hub 20, may be stored but are identified as not meeting the predetermined characteristics (for example, they are stored with an associated identification indicating incomplete or corrupted data, or a data format not supported by hub station 20).

If such a digital image set of predetermined characteristics exists, one or more of the images in the set may be communicated to the user at remote terminal 40A, or forwarded to another of the connected remote terminals 40B to 40N, as instructed by the user. In the latter case, this would amount to the user forwarding one or more copies of the digital image as desired. The user may then edit or print the images as desired, and may further communicate the edited image back to hub station 20 for storage in addition to or instead of, the original unaltered digital image. Furthermore, hub station 20 could be programmed to transmit to the user at a remote terminal, either upon request or automatically (in the form of advertising), details of services that can be requested from hub station 20. Such services may include various sized prints of an original or edited image stored at hub station 20 (either as prints by themselves, or with accompanying text or graphics, such as embodying the image in a greeting card), or the incorporation of one or more original or edited images onto a product, such as an article of clothing or other useful articles (for example, cups or plates). For this purpose, hub station 20 may communicate (preferably by transmission) the image signal and accompanying instructions, text, and/or graphics, to one or more printers (not shown) or other locations (not shown) at which the user's request may be fulfilled. Such printers or other locations may or may not be remote from hub station 20.

As mentioned digital image data may be lost in transit from a processor-scanner station to hub station 20, an error may occur during the loading of the digital image data to the hub station 20, the image quality may be poor, or some other problem may result in hub station 20 not storing the digital image set associated with the identification entered by the user.

If a digital image set of predetermined characteristics is not stored at hub station 20, different procedures can be used to inquire as to the whereabouts of such digital image set. For example, the date indication of the identification entered by the user can be compared with the current date." (Emphasis added)

Again, Applicants respectfully submit that nothing in this section teaches or suggests the feature of "face identifying information for at least one face in an image". The sentence highlighted above, for example, simply describes a user searching for "predetermined characteristics", which are described as follows:

"By "predetermined characteristics" in this case, is referenced any suitable predetermined characteristics determined by the operator of the system. For example, hub station 20 may be set such that any image set signal received will be stored and indexed with its associated identification signal. Alternatively, the "predetermined characteristics" could be set so that only a complete image set is so stored, or incomplete image sets (such as might result from an interruption of a connection between a processor-scanner station 2A to 2N and hub station 20, or from corrupted data) or digital image sets in a format not accepted by hub 20, may be stored but are identified as not meeting the predetermined

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characteristics (for example, they are stored with an associated identification indicating incomplete or corrupted data, or a data format not supported by hub station 20)."

This section cannot be construed, however, to be the "face identifying information for the at least one face in an image", as claimed herein. The Specification states that "Face identifying information can be of various types such as personal names, identification numbers, or any other face identifying information associated with an image." (Specification, Page 7, paragraph 18). Face identifying information thus refers to a broad range of information pertaining to *faces*. Nothing in Sheridan describes identifying faces or determining face identifying information for the face(s) in an image. Sheridan thus fails to disclose this feature of the claimed invention.

The Examiner suggests, however, that since Kang is directed to face recognition technology, if combined with Sheridan, Kang somehow teaches or suggests this element. Applicants strongly disagree. Applicants do not dispute the fact that Kang teaches an apparatus for detecting the position of a human face in an input image or video image (Kang, Abstract). Applicants are not, however, claiming the general concept of identifying faces in an image, rather the combination of determining *face identifying information* for faces in an image and utilizing the face identifying information to automatically make images available. Thus, although Applicants concede that Kang teaches an apparatus for detecting the position of a human face, Applicants strongly disagree that Kang teaches or suggests determining face identifying information for a face in an image.

The Examiner relies on Col. 1, lines 26-30 of Kang, which states "A technique for detecting faces and facial area is highly regarded in various applied fields such as facial expression research, drivers' drowsiness detection, entrance/exit control, or image indexing." Since this is the only section of Kang highlighted by the Examiner, it would appear that the Examiner is suggesting that Sheridan teaches all elements of the claimed invention with the exception of *identifying faces* and that this sentence in Kang provides this element. Applicants strongly disagree. Applicants own perusal of Kang indicates that nothing in Kang teaches or suggests the claimed feature of "determining *face identifying information* for at least one face in an image". The Examiner makes no showing that either Kang or Sheridan teaches this element. Instead, the Examiner simply

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cites the section of Kang above and extrapolates from there that the combination of Kang and Sheridan teaches this element. Applicant respectfully submits that the Examiner failed to meet the burden of establishing exactly how Kang and Sheridan teach or suggest the claimed feature of determining *face identifying information* for at least one face in an image" and how a sharing rule may be defined that utilizes the face identifying information. Barring such a showing, Applicants continue to maintain that the combination of Kang and Sheridan does not teach or suggest such a feature.

Applicants additionally continue to maintain that the combination of Sheridan with Kang is improper because nothing in Kang suggests a combination with Sheridan. The Examiner again relies on the fact that Kang mentions "image indexing" to show those of ordinary skill in the art would be motivated to combine Kang with Sheridan. Applicants respectfully submit that Sheridan does not focus on an "image indexing" scheme. Rather, Sheridan is directed to an image distribution method and system and nothing in Kang would suggest that face recognition techniques should be applied to an image distribution method and system. Applicants therefore continue to maintain that barring hindsight, such a combination is not obvious. As such, Applicants continue to maintain that the combination is improper.

In summary, Applicants respectfully submit that Sheridan and Kang do not, and cannot, render independent Claims 1, 11, 19, 29 and 31 unpatentable. Similarly, for at least the reasons discussed above, the references cannot render all claims dependant on these independent claims unpatentable. Applicant therefore respectfully requests the Examiner to withdraw the rejection to Claims 1-32 under 35 U.S.C. §103.

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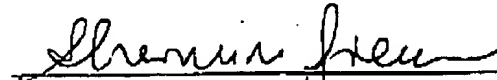
CONCLUSION

Based on the foregoing, Applicant respectfully submits that the applicable objections and rejections have been overcome and that pending Claims 1-32 are in condition for allowance. Applicant therefore respectfully requests an early issuance of a Notice of Allowance in this case. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (714) 669-1261.

If there are any additional charges, please charge Deposit Account No. 50-0221.

Respectfully submitted,

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